

Regular Session, 2006

ACT No. 202

HOUSE BILL NO. 815 (Duplicate of Senate Bill No. 410)

BY REPRESENTATIVE WHITE AND SENATOR FONTENOT AND COAUTHORED
BY REPRESENTATIVE KENNARD AND SENATOR MARIONNEAUX

1 AN ACT

2 To enact R.S. 17:58.2(H), 65, and 65.1, relative to the Central community school system;
3 to provide for the school system, including its establishment and boundaries; to
4 provide for the school board and an interim board of control; to provide for board
5 membership, apportionment, qualifications, method of selection, terms of office,
6 filling of vacancies, compensation, expenses, powers, duties, and responsibilities; to
7 provide relative to facilities and property; to provide for the reapportionment of the
8 East Baton Rouge Parish School Board; to provide for effectiveness and for
9 implementation; and to provide for related matters.

10 Notice of intention to introduce this Act has been published
11 as provided by Article III, Section 13 and Article X, Section
12 29(C) of the Constitution of Louisiana.

13 Be it enacted by the Legislature of Louisiana:

14 Section 1. R.S. 17:58.2(H), 65, and 65.1 are hereby enacted to read as follows:
15 §58.2. East Baton Rouge Parish School Board; reapportionment; election districts;
16 terms

17 * * *

18 H.(1) In addition to any other requirements in this Section, in the event the
19 Central Community School Board begins the actual operation of educating students
20 within its jurisdiction as a separate school system in accordance with R.S. 17:65, the
21 East Baton Rouge Parish School Board shall develop a plan to divide the parish,
22 excluding the geographic area within the boundaries of the Central community
23 school system, into single-member districts from each of which one member of said

1 board shall be elected. Such districts shall be drawn with as equal population as
2 possible, using population figures from the most recent federal decennial census.

3 (2) Prior to the final adoption of such plan, the East Baton Rouge Parish
4 School Board shall order a public hearing on the proposed plan and shall cause to be
5 published in a newspaper published within the parish of East Baton Rouge, with
6 parishwide circulation, at least twenty days prior to the date of such hearing, the time
7 and place thereof, a general summary and map of the proposed plan, and the times
8 and places where copies of the proposed plan are available for public inspection.

9 (3) Notwithstanding any law to the contrary, each elected member of the
10 East Baton Rouge Parish School Board holding office on the date the Central
11 Community School Board begins the actual operation of educating students within
12 its jurisdiction as a separate school system shall serve the remainder of the term of
13 office for which elected. If a vacancy occurs during said term of office, it shall be
14 filled in accordance with law from districts in effect at the time the office is filled.

15 (4) At the next date on which a regular election for the election of members
16 of the East Baton Rouge Parish School Board would be held following the date the
17 Central Community School Board begins the actual operation of educating students
18 within its jurisdiction as a separate school system, the members of the East Baton
19 Rouge Parish School Board shall be elected from single-member districts adopted
20 in accordance with this Subsection. The members so elected and their successors in
21 office shall serve four-year concurrent terms. Thereafter, the East Baton Rouge
22 Parish School Board shall be reapportioned as otherwise provided by law.

23 * * *

24 §65. Central Community School Board and school system; creation; membership;
25 qualifications; apportionment; election; powers, duties, and functions; system
26 operation

27 A.(1) Notwithstanding any provision of law to the contrary, upon the
28 appointment of members of the interim school board as provided in R.S. 17:65.1,
29 there shall be established a separate school system and school board for the Central
30 community in East Baton Rouge Parish. The school board shall be designated the

1 Central Community School Board. The board shall be composed of seven members,
2 one from each of the single-member districts provided for in Subsection B of this
3 Section who shall be electors and shall meet the qualifications for office provided in
4 R.S. 17:52(D) and (E).

5 (2) The geographic boundaries of the school system shall be as follows:
6 Commence at a point on the eastern bank of the Comite River at its intersection with
7 the southern boundary of Louisiana Highway 64; thence proceed in a southerly
8 direction along the eastern bank of the Comite River to its intersection with White
9 Bayou; thence proceed in a northwesterly direction along the western bank of White
10 Bayou to a point one hundred feet north of Anderson Avenue; thence proceed in a
11 westerly direction along a line one hundred feet north of and parallel to Anderson
12 Avenue to its intersection with Foster Road; thence proceed in a southerly direction
13 along the eastern boundary of Foster Road to its intersection with Louisiana
14 Highway 408 (Hooper Road); thence proceed in an easterly direction along the
15 northern boundary of Louisiana Highway 408 (Hooper Road) to its intersection with
16 the western boundary of the Four Seasons Trailer Park; thence proceed in a southerly
17 direction along the western boundary of the Four Season Trailer Park and continue
18 in a straight line extension to its intersection with the northern boundary of Cypress
19 Bayou; thence proceed in a southeasterly direction along the northern boundary of
20 Cypress Bayou to its intersection with the Comite River; thence proceed in a
21 southeasterly direction along the eastern bank of the Comite River to its intersection
22 with the Amite River; thence proceed in a northerly direction along the western bank
23 of the Amite River to its intersection with the western bank of the body of water
24 known as Sandy Creek; thence proceed in a northerly direction along the western
25 bank of the body of water known as Sandy Creek to its intersection with Greenwell
26 Springs Road; thence proceed in a southwesterly direction along the southern
27 boundary of Louisiana Highway 37 (Greenwell Springs Road) to its intersection with
28 Louisiana Highway 409 (Liberty Road); thence proceed in a northerly direction
29 along the western boundary of Louisiana Highway 409 (Liberty Road) to its
30 intersection with a point 1,000 feet north of the northern boundary of Louisiana

1 Highway 64; thence proceed in a northwesterly direction along a line 1,000 feet
2 north of and parallel to the northern boundary of Louisiana Highway 64 to its
3 intersection with Saunders Bayou; thence proceed in a southerly direction along the
4 western bank of Saunders Bayou to its intersection with Louisiana Highway 64;
5 thence proceed in a westerly direction along the southern boundary of Louisiana
6 Highway 64 to the point of beginning.

7 B.(1) By not later than sixty days after the appointment of the members of
8 the interim school board as provided in R.S. 17:65.1, the interim school board shall
9 develop and adopt a plan to divide the Central community school system into seven
10 single-member districts from each of which one member of the Central Community
11 School Board shall be elected. The districts shall be drawn in a manner such that
12 each member of the Central Community School Board represents as nearly as
13 possible the same number of persons, using population figures from the latest federal
14 decennial census, and shall be effective in time for qualifying for office for a special
15 election for school board members to be held at the time and place of voting for
16 municipal primary and municipal general elections in 2007. School board members
17 elected at this time shall take office at noon on the thirtieth day following the general
18 election and serve until the taking of office of the school board members elected as
19 provided in Subsection C of this Section.

20 (2) If the special election for school board members provided for in
21 Paragraph (1) of this Subsection is not held, such election shall be held on the dates
22 for the next available special election authorized by R.S. 18:402(E) to fill newly
23 created offices. School board members elected at this time shall take office at noon
24 on the third Monday next following the general election date authorized for such
25 available special election and serve until the taking of office of the school board
26 members elected as provided in Subsection C of this Section.

27 (3) Prior to the final adoption of the apportionment plan required by
28 Paragraph (1) of this Subsection, the interim school board shall order a public
29 hearing on the proposed plan and shall cause to be published in its official journal
30 at least twenty days prior to the date of such hearing, the time and place thereof, a

1 general summary and map of the proposed plan, and the times and places where
2 copies of the proposed plan are available for public inspection.

3 C. Except as otherwise provided in this Section and in R.S. 17:65.1 for the
4 initial elected members of the board, each member of the Central Community School
5 Board shall be elected at the time and place provided by law generally for parish
6 school board members. The members of the Central Community School Board
7 elected in 2008 shall take office as otherwise provided by law generally for parish
8 school board members, and such members and their successors in office shall serve
9 for four-year concurrent terms.

10 D. Vacancies on the board shall be filled as provided by law generally for
11 parish school boards.

12 E.(1) The organization of the Central Community School Board as well as
13 the board's powers, duties, functions, and responsibilities shall be as provided by law
14 generally for city, parish, and other local public school boards. Compensation for
15 board members and reimbursement for expenses also shall be as provided by law
16 generally for city, parish, and other local public school board members.

17 (2) The Central Community School Board shall adopt rules, regulations, and
18 procedures consistent with law to effectuate this Section and to administer the duties,
19 functions, and responsibilities of the board.

20 F.(1) The Central Community School Board shall begin actual operation of
21 providing for the education of students within its jurisdiction on July 1, 2007.
22 Beginning on the date the school board begins actual operation of providing for the
23 education of students and thereafter, notwithstanding any provision of law or rule or
24 regulation to the contrary and pursuant to the duty and responsibility placed with the
25 legislature by Article VIII, Section 1 of the Constitution of Louisiana to establish and
26 maintain a public educational system and the authority granted the legislature by
27 Article VIII, Section 10(A) of the Constitution of Louisiana to enact laws affecting
28 parish school board systems in existence on the effective date of the constitution, all
29 lands, buildings, and improvements, facilities, and other property having title vested
30 in the public and subject to management, administration, and control by the East

1 Baton Rouge Parish School Board for public education purposes but located within
2 the geographic boundaries of the Central community school system or used to
3 provide student transportation services to such facilities, or both, shall be managed,
4 administered, and controlled by the Central Community School Board.

5 (2) If the members of the Central Community School Board are elected at
6 the time provided in Paragraph (2) of Subsection B of this Section, the interim school
7 board shall begin actual operation of providing for the education of students within
8 its jurisdiction on such date and shall exercise all powers and authorities granted to
9 the Central Community School Board and for the purposes of R.S. 17:58.2(H), the
10 Central Community School Board shall be deemed to have begun actual operation
11 on such date.

12 G. Consistent with Article VIII of the Louisiana Constitution of 1974
13 relevant to equal educational opportunities, no state dollars shall be used to
14 discriminate or to have the effect of discriminating and failing to provide an equal
15 educational opportunity for all students.

16 §65.1. Central community school system; interim school board

17 A. Notwithstanding any provision of law to the contrary, upon the
18 appointment of the members thereof as provided in Subsection C of this Section,
19 there shall be and there is hereby created an interim school board for the Central
20 community school system which shall continue in existence until the taking of office
21 of the initial elected members of the Central Community School Board as provided
22 by R.S. 17:65.

23 B.(1) The interim school board shall be composed of seven members
24 appointed at large as provided in Subsection C of this Section. An interim school
25 board member shall have attained the age of eighteen, be an elector, have resided in
26 the state for the two years preceding appointment, have been actually domiciled
27 within the geographic boundaries of the school system for at least one year preceding
28 appointment, meet the qualifications provided in R.S. 17:52(D), and actually reside
29 within the geographic boundaries of the school system.

1 (2) Membership on the interim school board shall not disqualify an otherwise
2 eligible person from qualifying as a candidate for election as a member of the
3 Central Community School Board.

4 C.(1) All members of the interim school board shall be appointed by the
5 governor within thirty days after the effective date of this Section and shall serve
6 until the taking of office of the initial members of the Central Community School
7 Board elected as provided in R.S. 17:65.

8 (2) Members appointed by the governor shall be from a list of nominees
9 provided as follows:

10 (a) The members of the Louisiana House of Representatives elected from
11 district number sixty-four and district number sixty-five each shall nominate three
12 persons meeting the qualifications for office for each position to be appointed by the
13 governor.

14 (b) The member of the Louisiana Senate elected from district number
15 seventeen shall nominate three persons meeting the qualifications for office for each
16 position to be appointed by the governor.

17 (3) A vacancy on the interim school board shall be filled in the same manner
18 as the original appointment.

19 D. The interim school board shall constitute a body corporate in law. The
20 organization of the interim school board as well as the board's powers, duties,
21 functions, and responsibilities shall be as provided by law generally for city, parish,
22 and other local public school boards. Compensation for board members and
23 reimbursement for expenses also shall be as provided by law generally for city,
24 parish, and other local public school boards.

25 E. The interim school board shall adopt rules, regulations, and procedures
26 consistent with law to effectuate this Section and to administer the duties, functions,
27 and responsibilities of the interim board. Additionally, the interim school board shall
28 call for a special election to elect the initial members of the Central Community
29 School Board. It shall be held as provided in R.S. 17:65(B).

1 F. The provisions of R.S. 42:4.1 through 13, relative to open meetings and
 2 the provisions of Chapter 1 of Title 44 of the Louisiana Revised Statutes of 1950
 3 relative to public records shall be applicable to the interim school board and its
 4 members.

5 G. All authority granted to the interim school board by this Section shall
 6 expire upon the taking of office of the initial members of the Central Community
 7 School Board elected as provided by R.S. 17:65(B); however, the school board may
 8 take formal action to continue the interim school board as an advisory body on
 9 matters previously under the jurisdiction of the interim board.

10 Section 2. This Act shall take effect and become operative if and when the proposed
 11 amendment of Article VIII, Section 13(D) of the Constitution of Louisiana contained in the
 12 Act which originated as House Bill No. 48 of this 2006 Regular Session of the Legislature
 13 is adopted at the statewide election to be held on November 7, 2006, and becomes effective.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____